



U.S. Department of Justice

*United States Attorney
Southern District of New York*

USDC SDNY

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*86 Chambers Street, Third Floor
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August 7, 2015

BY ECF

The Honorable Colleen McMahon
United States District Judge
United States Courthouse
500 Pearl Street
New York, NY 10007

MEMO ENDORSED

8/11/15
Extension granted.

Colleen McMahon

Re: *U.S. ex rel. Kester v. Novartis Pharmaceuticals Corp.*, 11 Civ. 8196 (CM) (JCF)

Dear Judge McMahon:

This Office represents the United States (the "Government") in the above-referenced civil fraud action. We write respectfully on behalf of plaintiffs and defendant Novartis to address two scheduling issues.

First, as the Court is aware, the parties currently are engaged in expert discovery in preparation for the trial of the Exjade and Myfortic claims beginning on November 2, and three expert depositions have taken place. To accommodate experts' clinical commitments and other scheduling conflicts, the parties respectfully request that the deadline for completing expert depositions be extended from August 21 to September 8, 2015. This extension will not affect the trial schedule.

Second, on August 6, 2015, the Court noticed the parties for final pre-trial conference on October 16, 2015 at 2 p.m. (ECF No. 491.) Pursuant to Your Honor's Individual Practices and Procedures, the letter notifying the parties of the date for the pre-trial conference triggers the schedule for filing in limine motions. The parties' motions therefore are due within five days, on Thursday, August 13, 2015. We write respectfully to propose the following alternative briefing schedule: in limine and Daubert motions (and supporting papers) due on September 15, 2015; and opposition papers due on September 29, 2015. This schedule will allow the parties to complete expert depositions and try to minimize motion practice by working to resolve evidentiary objections.

We thank the Court for its consideration of these scheduling requests.

Respectfully,

PREET BHARARA
United States Attorney

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